

DETAILED ACTION

Election/Restrictions

1. Claims 1,6-8,16 and 19-23 are allowable. The restriction requirement of Groups I and II, as set forth in the Office action mailed on 4/29/2009, has been reconsidered in view of the allowability of claims to the elected invention pursuant to MPEP § 821.04(a). **The restriction requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.**

2. Claims 9-15,17,25 and 26, directed to a method no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim. The claims are **rejoined**.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*,

443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with R. Smith on 1/3/2009.

The application has been amended as follows:

1.1 In Claim 1, line 6, **after** "formulas" **add** --selected from the group consisting of--.

1.2 In Claim 1, line 11, **delete** "selected from the group of" and **replace** with --selected from the group consisting of--.

1.3 In Claim 8, line 2, **delete** "is" and **replace** with --selected from the group consisting of--.

1.4 In Claim 9, line 4, **after** "formulas" **add** --selected from the group consisting of--.

1.5 In Claim 15, lines 1-2, **delete** "is selected from the group of" and **replace** with --is selected from the group consisting of--.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: the closest prior art known to the Examiner is listed on the attached PTO 892 and 1449 forms. The combination of Mayer and Lemkuhl references teach an electrolyte using a combination of trialkylaluminum, tetraalkylaluminum and alkylmagnesium compounds. However, none of the prior art teaches an electrolyte which contains the specific alkylmagnesium compounds at the percentages recited by Claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison P. Thomas whose telephone number is (571) 272-8917. The examiner can normally be reached on Mon-Fri 9:30 am to 6:00 pm.

3. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. P. T./
Examiner, Art Unit 1796

/Mark Kopec/
Primary Examiner, Art Unit
1796